



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

**Request for Special Exception – Article III.B (6)
Rhoda J. & Raymond G. Quist 2013 Revocable Trusts;
Rhoda & Raymond Quist, Trustees
Map 223, Lot 66**

August 25, 2015

**Applicant: Rhoda J. & Raymond G. Quist 2013 Revocable Trusts
Rhoda & Raymond Quist, Trustees
5 Owens Way
Moultonborough, NH 03254**

Location: 5 Owens Way, Moultonborough, NH (Tax Map 223, Lot 66)

On August 19, 2015, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Rhoda J. & Raymond G. Quist (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for special exception under Article III.B (6) to allow for the reconstruction of an existing raised walkway within 50’ of the lake shoreline, with modifications to the existing footprint on the parcel located in the Residential Agricultural (RA) Zoning District at 5 Owens Way.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 5 Owens Way (Tax Map 223, Lot 66).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public hearing by Nicol Roseberry from Ames Associates.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The applicants are proposing the reconstruction of an existing raised walkway within the lakefront within the 50’ shoreline setback.

- 6) The existing walkway will be modified and pulled back from the lake to be located behind the reference line.
- 7) The proposed walkway will be reduced to 3 feet in width.
- 8) The overall footprint area (420 square feet) will remain the same as that of the existing walkway footprint.
- 9) ZBA Member Bickford had a concern regarding the sheet flow of water from the proposed walkway running parallel to the shorefront.
- 10) No members of the public wished to speak during the public hearing.
- 11) The use will not be incompatible with the character of the neighboring land uses as it is a residential structure in a residential neighborhood, many of which have similar access to the lake.
- 12) Property values in the district will not be negatively impacted or reduced by such a use as the proposal will increase the site's value and is similar to other uses in the district.
- 13) There will be no nuisance or hazard to vehicles or pedestrians as the use is entirely on private property and not subject to public access.
- 14) Adequate and appropriate facilities being provided for the proper operation of the proposed use was deemed not applicable to this request.
- 15) The proposed use complying with the minimum land space requirements was deemed not applicable to this request.
- 16) The proposed use not having an impact on the capacity of the existing roads and highways to carry related traffic was deemed not applicable to this request.
- 17) The application meets all of the requirements for a Special Exception under Article VI E.

On August 19, 2015, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, DeMeo) and none (0) opposed to grant the request for a special exception with the condition that there be a ¼" gap between the boards in the installation of the section of the ramp walkway within the 20' shoreline setback to address Mr. Bickford's concern, and further, to close the Public Hearing.

The Board of Adjustment, on September 2, 2015, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of (5) in favor (Stephens, Nolin, Zewski, Bickford, St. Peter), none (0) opposed.

The decision made to Approve the special exception on August 19, 2015 shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.



Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date 9/8/15